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Should Congress Designate Mexican Cartels as Terrorists?

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Introduction

In 2023, Senators Rick Scott (R-Fla.) and Roger Marshall (R-Kan.) reintroduced the Drug Cartel Terrorist Designation Act, proposed the previous year, aimed at empowering the State Department to formally designate Mexican drug cartels as Foreign Terrorist Organizations (FTO).¹ The FTO designation in the proposed Senate legislation would apply to four transnational criminal organizations – *Cártel de Sinaloa*, *Cártel de Jalisco Nueva Generación*, *Cártel del Golfo*, and *Cártel del Noreste*.² As Republicans have majority control of Congress in 2025, the issue of designating Mexican cartels as terrorists will likely surface again, and President Donald Trump has issued an executive order that he plans to consider the issue.³

The current USG FTO list consists primarily of groups akin to Al Qaeda and Islamic State.⁴ This allows the Treasury Department to target financial aspects of the organizations and the State Department to curtail associated members' travel. However, a terrorist designation also opens the aperture for the Department of Defense to combat terrorism,⁵ and this idea has Mexico City apprehensive.⁶

In January 2025, we published a detailed analysis of Mexico's central government's resiliency and domestic resistance it faces.⁷ This framework proves critical in understanding how unilateral U.S. action taken against Mexican cartels could affect the domestic legitimacy of the new left-wing populist party *Movimiento Regeneración Nacional* (Morena) and how Mexico's first female president, Claudia Sheinbaum, would react to such pressure.



Figure 1: Claudia Sheinbaum, 2014 (Source/[Gobierno de Mexico](#))

The Problem

Transnational criminal organizations, particularly *Cártel de Sinaloa* and its rival *Cártel de Jalisco Nueva Generación* (CJNG), operate throughout Mexico with near impunity. Both *Cártel de Sinaloa* and CJNG have evolved from: (a) drug cartels, (b) into

insurgent organizations opposing the central government with armed guerillas, and finally, (c) shadow governments competing with the legitimacy of the democratic system in Mexico. *Cártel de Sinaloa* controls territories in Northern Mexico, including *Sinaloa* and *Durango*, while CJNG has strongholds in *Jalisco*, *Guanajuato*, *Querétaro*, *Hidalgo* and *Veracruz*.

In 2019, President López Obrador disbanded the *Policía Federal* (Federal Police), which he viewed as corrupt and in league with local criminal organizations.⁸ Simultaneously, he refrained from using Mexico's military on what he perceived as a domestic law enforcement issue.⁹ The new organization for fighting cartels resulted in the *Guardia Nacional* (National Guard). However, disbanding the *Federales*, removing Mexican soldiers from the fight, and establishing an entirely new organization created an operating space for cartel activities to expand criminal cross-border trade. These activities include narcotics and human trafficking moving north, while illicit monies and arms move south, which has proven so profitable that cartels now compete with the *Morena* party over both federal and local governance functions.

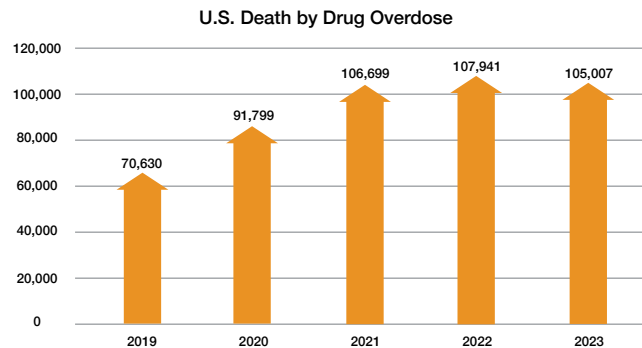


Figure 2: U.S. Drug Overdose Deaths, 2019-2023 (Source/[NCHS](#))

From 2019 to 2024, fentanyl sales to the United States exploded, as did overdoses, as shown in Figure 2.¹⁰ Most of this fentanyl trade derived from Mexican drug cartels, who refined their processing methods. Deaths from overdoses (particularly from fentanyl) and violence targeting American tourists in Mexico have motivated U.S. politicians, both at the state and national level, to advocate for the Drug Cartel Terrorist Designation Act.

A successful Sheinbaum presidency will require the *Guardia Nacional* to enforce rule of law around the country while simultaneously remaining free of the culture of rampant corruption. Of the 114,000 members of the Guard, a full 90,000 of them were derived from the Mexican armed forces.¹¹ Additionally, López Obrador placed the Guard under the Secretary of National Defense, leading to criticism that the organization is overly militarized to address domestic security. In a nation already marked as

the most dangerous place for civilians on earth, the murder rates from 2019-2024 steadily rose.¹² In 2022, even the Guardia Nacional compiled a report that the federal internal security strategy was failing.¹³

Since the Guard's establishment, illegal migration, narcotics, human trafficking, shadow taxation, and violence have increased throughout the country, no doubt fueled by the void left with the dissolution of the Federal Police.¹⁴

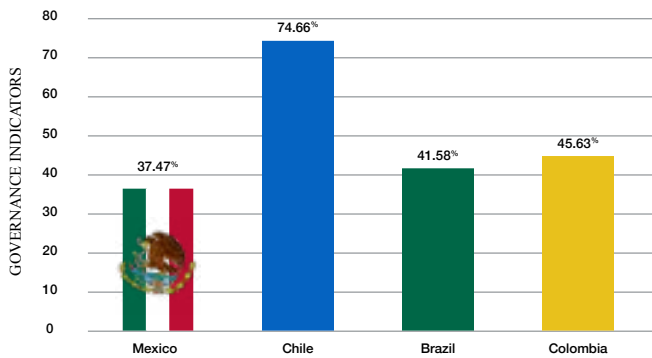


Figure 3: Comparison of Morena Party's Resiliency with South American States¹⁵

The Resolution

While the United States certainly influences Mexico's ability to fight cartels through foreign policy, and can even take direct action against these organizations, cartels primarily remain a Mexican problem to address. Simultaneously, the rampant opioid epidemic and the illegal U.S. firearms trade arming the cartels receives little federal attention. Regarding the latter, the Mexican government has pursued a \$10B lawsuit against U.S. firearms companies.¹⁶ Within this context, unilateral action by the United States against Mexican citizens in a manner that appears to subvert Mexico's sovereignty could erode the legitimacy of President Sheinbaum and her Morena party.

In general, the Morena party's priorities align with those of the United States, which includes reducing violence and crime and addressing the root causes of illegal migration. However, Morena does not want to use its military to address either, but to treat both as domestic law enforcement issues.

Figure 3 is drawn from our research study and compares the resiliency of the Morena regime to other Latin American states. It utilizes ten metrics, ranging from the efficiency of governance functions to the enforcement of the rule of law and adaptation to climate change. Mexico's resiliency remains below but comparable to that of Brazil and Colombia, but it is far from optimal, as exemplified by Chile.

The Guardia Nacional is the key organization that can address both the United States' desire to curtail illicit cross-border activities and the Morena party's desire to strengthen central governance. However, the Guardia Nacional is under tremendous political and public pressure to resolve the domestic security crisis in the direst of circumstances. Increasing its effectiveness with limited resources, operating across a large nation with parochial loyalties, and keeping its members free from rampant corruption remains a daunting task.

To ensure the stability of Mexico's governmental institutions and to more comprehensively address illicit crime, the United States should support the efforts of Sheinbaum's administration while refraining from the appearance of undermining it. In that vein, designating Mexico's drug cartels as terrorist organizations could illegitimize and antagonize the Morena party and the Guardia Nacional – setting a collision course between the two countries and risking violence and fragility on both sides of the border.

While the new U.S. administration will feel pressured to ramp up the national security establishment to address transnational criminal organizations, it should consider the repercussions this may have on Claudia Sheinbaum's administration. Mexicans remain very concerned about incursions into their territory.¹⁷ To preserve her domestic credibility, Sheinbaum will oppose any action interfering with Mexico's sovereignty.

Decision Points

- **Can U.S. federal agencies improve collaboration with the Guardia Nacional?**
- **Should the U.S. increase penalties for the traffic or sale of fentanyl?**
- **Should the United States ensure penalties on Americans selling arms which arrive in the hands of cartels?**
- **Should there be prioritization of U.S. aid to Mexico which strengthens governmental institutions?**

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